UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,785	06/04/2001	Chaitanya Kanojia	325520.02/MFCP.143798	2842

45809   7590   01/06/2011

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ART UNIT	PAPER NUMBER
2425	

MAIL DATE	DELIVERY MODE
01/06/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>16 November 2010</u>.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-30 and 32-71</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-30, 32-71</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114 was filed in this application

after a decision by the Board of Patent Appeals and Interferences, but before the filing of a

Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil

action. Since this application is eligible for continued examination under 37 CFR 1.114 and the

fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to

37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114.

Applicant's submission filed on 11/16/2010 has been entered.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-30, 32-63, and 65-71 have been

considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a whole
> would have been obvious at the time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains. Patentability shall not be negatived
> by the manner in which the invention was made.

4.   Claims 1-30, 32-63, and 65-71 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Alexander et al. (U.S. Patent 6,177,931) in view of Sahota (U.S. Patent Pub 2002/0010928

A1) and Hendricks et al. (U.S. Patent No. 6,463,585 B1).

Regarding claim 1, Alexander discloses a "system for displaying promotion on a viewing

device comprising a display for displaying to a viewer, a network device coupled to the display

device, the network device configured to receive a promotion and a transmission schedule

wherein the transmission schedule contains control data that specifies a condition for activating

the promotion for display in the display, and in response to the condition occurring, activate the

promotion for display in the display", i.e., a computer at the headend of the cable television

system served as a network device for gathering or collecting the user's information data or

profile (col. 29/lines 14-21), and the headend computer system analyzes and provides promotion

or advertisements corresponding to the user's profile or preferences (col. 29/line 30 to col. 30/

line 44), and particularly, the promotion does not activate to display to the viewer until a

transmission schedule comprising control data that triggers or activates the promotion based on a

specified condition, for instance, such as when and how to deliver targeted advertisements or

promotions to the viewer (refer to col. 32/lines 24-54 & col. 32/line 61 to col. 33/line 43, with an

example to clearly showing two different viewers even tunes to the same time on a same day

when they view television programs, but based on their distinct profiles, one prefers "Nova" will

see advertisements related to educational computer while the other one watches Major League

Baseball, and he will see an advertisement for Good Year Tires instead.

Alexander does not clearly show the "transmission schedule wherein the transmission schedule contains control data that specifies a condition for activating the promotion for display in a display"; however, Sahota teaches the same feature, simply put in other words, the control data is the ATVEF and/or VBI encoding that provides the trigger in providing the promotion or commercial/advertisement at a scheduled time (see Sahota, Figs. 1-4 and page 4/par. 0044-0048 for time to play the TV commercial, length of the commercial and based on ATVEF triggers or VBI encoding embedded into the video broadcast stream). Therefore, it would have been obvious to one of ordinary skill in the art to modify Alexander's system with Sahota's teaching technique of using ATVEF triggers as control data that specifies or indicates a condition for activating the promotion or advertisement for display in a display.

Alexander and Sahota do not further teach the step of "separately receive both a promotion and a transmission schedule, and the transmission schedule is received as a message which is individually addressed to the network device, and wherein the promotion is received such that the promotion is uniquely activated based on the condition of the individually addressed transmission schedule" (as amended herein); however, Hendricks teaches an exact same technique in using a broadcast protocol in sending message with a schedule to set top individuals based on determined locations of each network device (Hendricks, col. 26/line 54 to col. 27/line 6 & Fig. 24 and col. 28/line 17-31 for ID of each set top is individually determined and addressed; and the time for receiving a promotion or an ad is separately aired, refer to col. 27/line 39 to col. 28/line 8). In addition, Fig. 36 shows a clear example of Hendricks' invention for a system and its program that allows each set top terminals to be individually targeted with specific advertisements and based on the user/viewer preferences or profiles. The schedule is

customized based on the viewer's preference, and the ad or promotion is uniquely activated

based on the condition of that individually addressed transmission schedule (refer to Hendricks,

col. 74/line 55 to col. 76/line 7). Therefore, it would have been obvious to one of ordinary skill

in the art at the time the invention was made to modify Alexander's system with Hendricks'

teaching technique of using a broadcasting protocol to individually addressed to each set top

terminal user as disclosed in order to deliver scheduled data programming and video services as

well as advertisements to each individually network device based on its own unique ID and the

viewer profile. Thus, the promotion or ad is uniquely activated based on the condition of the

individually addressed transmission schedule as preferred.

As for Claim 2, Alexander teaches the promotion is stored locally on the network

device (see col. 33 lines 44-47 "In one embodiment of this invention, a database of advertising

messages and virtual channel ads is stored in RAM at the viewer terminal or is accessible at a

web site if the viewer terminal has an Internet connection").

As for Claim 3, Alexander teaches the promotion is stored in a network stream (see cot.

33 lines 44-47 "in one embodiment of this invention, a data base of advertising messages and

virtual channel ads is stored in RAM at the viewer terminal or is accessible at a web site if the

viewer terminal has an Internet connection." When the advertisement message is accessible from

a web site, it is interpreted that the promotions are stored in a network stream).

As for Claim 4, Alexander teaches the promotion is viewed in a dedicated channel (see

cot. 4 lines 34-43 "Typically, an ad for a product or service is displayed in window 16. This ad is

linked to more information about the product or service in RAM so the viewer can read one or

more pages about the product or service in window 16 by pressing an "info" key 40 one or more

times. Alternatively, this ad is linked to the time and channel in RAM that an infomercial about

the product or service will be telecast so the viewer can watch or record the infomercial

automatically by pressing "select" key 42." The channel where the infomercial is telecast is

interpreted to be a dedicated channel where the promotion (infomercial) airs).

As for Claim 5, Alexander teaches the promotion is viewed in a virtual channel (see col.

17 lines 39-47 "the EPG provides the viewer the opportunity to select Virtual Channel Ad Slots

or Ad Window displays that advertise future-scheduled television programs and get additional

information in the way of text or video clips").

As for Claim 6, Alexander teaches the promotion is located using a local moniker (see

col. 32 line 6i- col. 33 line 8 "In another embodiment, a service monitors telecasts for

advertisements as they are telecast on a particular channel and inserts a change channel

command in the Vertical Blanking Interval (the "VBI")when an ad is telecast, said change

channel command causing the television to tune to a particular channel for a telecast of an

advertisement suitable to the Viewer's Preferences." The names of the channels (such as ABC,

NBC, FOX, ESPN etc) are local monikers. Since the advertisements are telecast on particular

channels, the names of these particular channels are interpreted to be local monikers that are used

to locate the promotion to be displayed).

As for Claim 7, Alexander teaches the display is an electronic program guide (see Fig. 1

unit 22 Electronic Program Guide, see col. 3 lines 1-19 "in FIG. 1 of the drawing, one

embodiment of the EPG with Ad Window and Advertising Messages is shown").

As for Claim 8, Alexander teaches the electronic program guide is a full-screen guide (see col. 7 lines i9-30 "In the EPG Grid Guide Mode, the EPG displays the Grid Guide, or in the alternative, a Channel Guide. The viewer can request that the Grid Guide occupy the entire screen, be displayed over a portion of the screen as an overlay of the video television programming").

As for Claim 9, Alexander teaches the electronic program guide is a partial-screen guide (see Fig. 1.unit 22 Electronic Program Guide, see col. 7 lines 19-30 "In the EPG Grid Guide Mode, the EPG displays the Grid Guide, or in the alternative, a Channel Guide. The viewer can request that the Grid Guide occupy the entire screen, be displayed over a portion of the screen as an overlay of the video television programming").

As for Claim 10, Alexander teaches the promotion is displayed in the electronic program guide (see Fig. 1 unit 14,16 Ad Window 1 and 2, see col. 3 lines 1-19 "In FIG. 1 of the drawing, one embodiment of the EPG with Ad Window and Advertising Messages is shown." And col. 4 lines 28-36 "Typically, an ad for a future telecast program is displayed in window 14. Typically, an ad for a product or service is displayed in window 16").

As for Claim 11, Alexander teaches the promotion is displayed as a banner (see col. 24 lines 42-55 "Ads may feature, among other things, a graphics field, a text field or a combination of a graphics and text field. Graphics are typically presented in 8 bit/pixel (using "320 mode"), 4 bit/pixel (in "640 mode") and 1-bit/pixel images ... The remaining portion of the Channel ad will typically be text only" When the Ads are presented with graphics and text only, the ads are interpreted to be displayed as banners).

As for Claim 12, Alexander teaches the promotion is displayed as a hot spot (see col. 4

lines 28-33 "Typically, an ad for a future telecast program is displayed in window 14.

This ad is linked to the time and channel of the program in RAM so the viewer can watch or

record the program automatically by pressing the blue left action button to watch the program,

or the green right action button to record the program." Since the Ad is linked to more

information the user can access by pressing a button, the Ad window is interpreted to be a hot

spot).

As for Claim 13, Alexander teaches the promotion is displayed as a full motion

stream (see col. 4 lines 35-43 "Typically, an ad for a product or service is displayed in window

16. This ad is linked to more information about the product or service in RAM so the viewer

can read one or more pages about the product or service in window 16 by pressing an "info"

key 40 one or more times. Alternatively, this ad is linked to the time and channel in RAM that

an infomercial about the product or service will be telecast so the viewer can watch or record

the infomercial automatically by pressing "select" key 42." When the viewer watches a channel

that is showing an infomercial about the product or service, it is interpreted that the infomercial

is a promotion that is displayed as a full motion stream.).

As for Claim 14, Alexander teaches the promotion is displayed on a personal video

recorder (see Fig. 1 unit 46 Record, and col. 7 line 58 - col. 8 line 3 "In the Record Selection

Function, also referred to as the Recording Function, the viewer instructs the EPG what

programs to add to the Record List, which is the list of programs and related programming

schedule information, for programs that the viewer want to have recorded. AS is further

described below, the viewer can identify the frequency/regularity with which the viewer wants

to record each program listed in the Record List." Since the EPG system can be instructed to

record upcoming shows, it is interpreted that the system is a personal video recorder where

promotions are displayed).

As for Claim 15, Alexander teaches the promotion is selectable to facilitate interactions

between the viewer and the promotion (see col. 4 lines 28-33 "Typically, an ad for a future

telecast program is displayed in window 14. This ad is linked to the time and channel of the

program in RAM so the viewer can watch or record the program automatically by pressing the

blue left action button to watch the program, or the green right action button to record the

program").

As for Claim 16, Alexander teaches the promotion is displayed over the entire viewable

area of the display (see col. 24 lines 21-29 "When the viewer first enters the EPG, the EPG can

display a full screen ad, such as an ad that would be displayed in the Ad Window.").

As for Claim 17, Alexander teaches the promotion is displayed over a portion of the

viewable area of the display (see Fig. 1 unit 14,16 Ad Window 1 and 2, see col. 3 lines 1-19 "In

FIG. 1 of the drawing, one embodiment of the EPG with Ad Window and Advertising Messages

is shown." And col. 4 lines 28-36 "Typically, an ad for a future telecast program is displayed in

window 14 ....Typically, an ad for a product or service is displayed in window 16").

As for Claim 18, Alexander teaches multiple promotions are displayed, each promotion

being independently selectable to facilitate interactions between the viewer and the selected

promotion (see Fig. 1 unit 14,16 Ad Window 1 and 2, see col. 3 lines 1-19 "In FIG. 1 of the

drawing, one embodiment of the EPG with Ad Window and Advertising Messages is shown."

And col. 4 lines 28-43 "Typically, an ad for a future telecast program is displayed in window 14.

This ad is linked to the time and channel of the program in RAM so the viewer can watch or

record the program automatically by pressing the blue left action button to watch the program, or

the green right action button to record the program. Typically, an ad for a product or service is

displayed in window 16. This ad is linked to more information about the product or service in

RAM so the viewer can read one or more pages about the product or service in window 16 by

pressing an "info" key 40 one or more times. Alternatively, this ad is linked to the time and

channel in RAM that an infomercial about the product or service will be telecast so the viewer

can watch or record the infomercial automatically by pressing "select" key 42").

As for Claim 19, Alexander teaches the promotions are displayed over the entire

viewable area of the display (see col. 24 lines 21-29 "When the viewer first enters the EPG, the

EPG can display a full screen ad, such as an ad that would be displayed in the Ad Window.

The viewer can interact with the full screen ad in the same manner in which the viewer can

interact with the Ad Window. That is, the viewer can instruct the EPG to record, or to add to

the watch list, the infomercial or program, if there is one that is associated with the

advertisement").

As for Claim 20, Alexander teaches the promotions are displayed over a portion of

the Viewable area of the display (see Fig. 1 unit 14,16 Ad Window 1 and 2, see col. 3 lines 1-

19 "In FIG. 1 of the drawing, one embodiment of the EPG with Ad Window and Advertising

Messages is shown." And col. 4 lines 28-36 "Typically, an ad for a future telecast program is

displayed in window 14... Typically, an ad for a product or service is displayed in window IV).

As for Claim 21, Alexander teaches the condition is triggered by the interaction of the viewer with the network device (see col. 4 lines 34-43 "Typically, an ad for a product or service is displayed in window 16. This ad is linked to more information about the product or service in RAM so the viewer can read one or more pages about the product or service in window 16 by pressing an "info" key 40 one or more times. Alternatively, this ad is linked to the time and channel in RAM that an infomercial about the product or service will be telecast so the viewer can watch or record the infomercial automatically by pressing "select" key 42").

As for Claim 22, Alexander teaches when the viewer accepts the promotion, the channel to which the network device is tuned to changes (see col. 4 lines 34-43 "Typically, an ad for a product or service is displayed in window 16. This ad is linked to more information about the product or service in RAM so the viewer can read one Or more pages about the product or service in window 16 by pressing an "info" key 40 one or more times. Alternatively, this ad is linked to the time and channel in RAM that an infomercial about the product or service will be telecast so the viewer can watch or record the infomercial automatically by pressing "select" key 42").

As for Claim 23, Alexander teaches the condition is triggered by a program the viewer is watching. (see col. 4 lines 34-43 "Typically, an ad for a product or service is displayed in window 16. This ad is linked to more information about the product or service in RAM so the viewer can read one or more pages about the product or service in window 16 by pressing an "info" key 40 one or more times. Alternatively, this ad is linked to the time and channel in RAM that an infomercial about the product or service will be telecast so the viewer can watch or record the infomercial automatically by pressing "select" key 42". It is interpreted that the

program the viewer is watching is the Ad displayed on window 16, and the link to the ad that

viewer is watching triggers the selector (EPG system) to telecast of record the infomercial).

As for Claim 24, Alexander teaches the condition is triggered by a program schedule (see

col. 9 line 65 - col. 10 line 12 "The EPG provides the viewer with the opportunity to select

program titles, scheduled for delivery at future times, to watch. By selecting program titles, the

viewer builds a "watch list." Watch list options and instructions provide functionality parallel to

the EPG's Record Function. Instead of automatically recording the programs selected, the Watch

Function automatically turns the television on, if it is not already on, and automatically tunes the

television to the channel scheduled to deliver the designated program, if the television is not

already tuned to that channel." The Watch List the user creates is interpreted to be a program

schedule that triggers the EPG system to turn the television on if it is not on, and tune to the

appropriate channel).

As for Claim 25, Alexander teaches the condition is triggered by past promotion

acceptance of the viewer (see col. 28 lines 11-45 "Every time the viewer interacts with the

EPG or the television, the EPG records the viewer's actions and the circumstances surrounding

those actions. For instance, when the viewer changes channels, the EPG records, among other

things, information about the first channel, the changed-to channel, the time that the change was

made, the identification of the programming that was displayed on the first channel, the

identification of the programming that was displayed on the changed-to channel, the time of the

change, the identification of any advertisement that was displayed on the first channel at the time

of the change, the identification of any advertisement that was displayed on the changed-to

channel." The data collected on the viewer's interaction (such as the advertisement that was

displayed when a viewer changed the channel) is used to form a viewer profile, which is in turn used to present targeted promotion to the user (see col. 32 lines 24-27 "The EPG and the Profile Program use Viewer Profile information to tailor the presentation and scheduling of advertisements to the viewer and to customize the presentation of the EPG for the user").

As for Claim 26, Alexander teaches the condition is triggered by a location that the promotion appears within the display (see col. 4 lines 35'43 "Typically, an ad for a product or service is displayed in window 16. This ad is linked to more information about the product of service in RAM so the viewer can read one, or more pages about the product or service in window 16 by pressing an "info" key 40 one or more times. Alternatively, this ad is linked to the time and channel in RAM that an infomercial about the product or service will be telecast so the viewer can watch or record the infomercial automatically by pressing "select" key 42."). It is interpreted that the location of the Ad in Ad Window 2 triggers the EPG to cause a promotion (Infomercial) to be shown on the display because if the ad was not in location of Ad Window 2 (16), an Infomercial about the product would not be shown.

As for Claim 27, Alexander teaches the promotions are selected based on a viewership profile of the network device (see col. 32 lines 24-27 "The EPG and the Profile Program use Viewer Profile information to tailor the presentation and scheduling of advertisements to the viewer and to customize the presentation of the EPG for the user").

As for Claim 28, Alexander teaches the promotions are selected based on the demographics of the viewer (see col. 32 lines 35-55 "One example is customizing an overlay message to an advertisement on a local geographic basis. For instance, the EPG knows the geographic location of the individual viewer. The broadcaster can packet match on the zip code

to customize the message so each zip code gets a different message, i.e., the 3 Burger Kings in the viewer's local area." The geographical area a viewer is located is interpreted to be demographics of the viewer).

As for Claim 29, Alexander teaches a channel to which the network device is tuned is a trigger that triggers the condition (see col. 32 line 61 - col. 33 line 8 "In another embodiment, a service monitors telecasts for advertisements as they are telecast on a particular channel and inserts a change channel command in the Vertical Blanking Interval (the "VBI') when an ad is telecast, said changed channel command causing the television to tune to a particular channel for a telecast of an advertisement suitable to the Viewer's Preferences").

As for Claim 30, Alexander teaches the trigger is embedded in a broadcast stream (see col. 32 line 61- col. 33 line 8 "In another embodiment, a service monitors telecasts for advertisements as they are telecast on a particular channel and inserts a change channel command in the Vertical Blanking Interval (the "VBI') when an ad is telecast, said change channel command causing the television to tune to a particular channel for a telecast of an advertisement suitable to the Viewer's Preferences". The change channel command in the VBI is the trigger and it is embedded in a broadcast stream).

(Claim 31 was canceled).

As for Claims 32 and 65, Sahota further teaches "the trigger is embedded in a ATVEF stream" and "the condition is triggered by a trigger that is embedded in a ATVEF stream" (Sahota, page 4/par. 0046-0048).

As for Claim 33, Alexander teaches the trigger is embedded in a Vertical Blanking Interval (VBI) stream (see col. 32 line 61-col. 33 line 8 "In another embodiment, a service

monitors telecasts for advertisements as they are telecast on a particular channel and inserts a

change channel command in the Vertical Blanking Interval (the "VBI') when an ad is telecast,

said change channel command causing the television to tune to a particular channel for a telecast

of an advertisement suitable to the Viewer's Preferences").

As for Claims 34 and 67, Sahota further teaches "wherein the trigger is embedded in a

MPEG stream" and "wherein the condition is triggered by a trigger that is embedded in an

MPEG stream" (see Sahota, page 4, par. 0046-0048 as MPEG multiplexing is used and the

trigger ATVEF is within the MPEG stream).

As for claims 35-63, and 66, these claims for a method for displaying target promotions

on a viewing device with same limitations addressed above are rejected for the reasons given in

the scope of claims 1-30 and 33 as disclosed in details above, with the teaching of Sahota for the

ATVEF trigger as control data within a transmission schedule in triggering the display of

promotion data on the display as noted in claim 1 earlier.

Particularly for claim 35, Alexander and Sahota do not further teach the step of "receive a

promotion and a transmission schedule, and the transmission schedule is received as a message

which is individually addressed to the network device, and wherein the promotion is received

such that the promotion is uniquely activated based on the condition of the individually

addressed transmission schedule" (as amended herein); however, Hendricks teaches an exact

same technique in using a broadcast protocol in sending message with a schedule to set top

individuals based on determined locations of each network device (Hendricks, col. 26/line 54 to

col. 27/line 6 & Fig. 24 and col. 28/line 17-31 for ID of each set top is individually determined

and addressed; and the time for receiving a promotion or an ad is separately aired, refer to col.

27/line 39 to col. 28/line 8). In addition, Fig. 36 shows a clear example of Hendricks' invention

for a system and its program that allows each set top terminals to be individually targeted with

specific advertisements and based on the user/viewer preferences or profiles. The schedule is

customized based on the viewer's preference, and the ad or promotion is uniquely activated

based on the condition of that individually addressed transmission schedule (refer to Hendricks,

col. 74/line 55 to col. 76/line 7). Therefore, it would have been obvious to one of ordinary skill

in the art at the time the invention was made to modify Alexander's system with Hendricks'

teaching technique of using a broadcasting protocol to individually addressed to each set top

terminal user as disclosed in order to deliver scheduled data programming and video services as

well as advertisements to each individually network device based on its own unique ID and the

viewer profile. Thus, the promotion or ad is uniquely activated based on the condition of the

individually addressed transmission schedule as preferred.

For claim 68 and 71, Hendricks further teaches "wherein the transmission schedule is

customized for the network device and specifies when and how the network device is to receive

the promotion" (Fig. 30 and col. 71/lines 10-49).

For claim 69, Hendricks teaches this feature of "wherein the transmission schedule is

formatted as a TCP message or a UDP message" (col. 34/lines 45-53 for a plurality of

transmission protocols are used).

For claim 70, Hendricks teaches this feature as the broadcast message is separate from

the transmission schedule (refer to claim 35 above).

Conclusion

5.   **Any response to this action should be mailed to:**

> Commissioner of Patents and Trademarks
> Washington, D.C. 20231

or faxed to PTO New Central Fax number:

> (571) 273-8300, (for Technology Center 2400 only)

> *Hand deliveries must be made to Customer Service Window,*
> *Randolph Building, 401 Dulany Street, Alexandria, VA 22314.*

6.   Any inquiry concerning this communication or earlier communications from the examiner

should be directed to "Krista" Kieu-Oanh Bui whose telephone number is (571) 272-7291. The

examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Brian Pendleton, can be reached at (571) 272-7527.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/KIEU-OANH BUI/
Primary Examiner, Art Unit 2425
Jan 04, 2011